

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**GREGORY HENDERSON,**

Petitioner,

v.

**MARTY SIRMONS, Warden,**

Respondent.

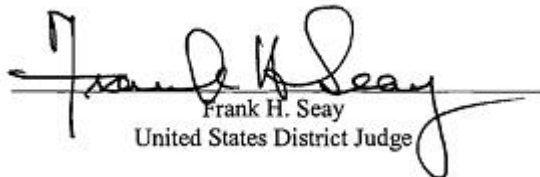
**No. CIV 02-621-FHS-KEW**

**OPINION AND ORDER**

Pursuant to the court's order entered on August 24, 2008 [Docket # 74], petitioner has submitted a proper Financial Affidavit and a Statement of Institutional Accounts [Docket # 76]. After review of the financial documents, the court finds petitioner is eligible for appointment of counsel for the required evidentiary hearing. *See* Rule 8(c) of the Rules Governing Section 2254 Cases. Therefore, the federal public defender is appointed to represent petitioner for the purpose of conducting an evidentiary hearing, pursuant to the direction of the Tenth Circuit Court of Appeals in *Henderson v. Sirmons*, No. 06-7038, slip op. at 9 (10th Cir. July 21, 2008).

The Court Clerk is directed to forward a copy of petitioner's case file to the federal public defender upon entry of appearance by petitioner's attorney.

Dated this 10<sup>th</sup> day of September, 2008.

  
Frank H. Seay  
United States District Judge